



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Brian G. Svoboda, Esq.
Perkins Coie LLP
607 Fourteenth St., NW
Suite 800
Washington, DC 20005-2011

DEC 06 2000

RE: MUR 4945
Friends of Joe Baca and William P. Smith, Treasurer

Dear Mr. Svoboda:

On November 10, 1999, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on October 25, 2000.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Donald E. Campbell on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name.

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket

Attachment: Narrative

MUR 4945

FRIENDS OF JOE BACA

Donald F. McGahn, II, General Counsel to the National Republican Congressional Committee, complained that one of three documents distributed by Friends of Joe Baca ("Friends") at a college "meet the candidates" gathering failed to include disclaimers and may have been paid for by impermissible funds collected by Baca's state committee. Joe Baca won the November 16, 1999, special election in California's 42nd congressional district with 50% of the vote to Elia Pirozzi's 44% of the vote.

Friends' response stated that the brochure in question contained neither express advocacy nor a solicitation of funds, but merely communicated pending legislation to constituents, as per Mr. Baca's responsibility as a state officeholder (the handout was entitled "1999 Legislative Wrap-Up"). Also, the respondent stated that the claim of state resources being misused to prepare the brochure was beyond the Commission's jurisdiction.

This matter is less significant relative to other matters pending before the Commission, and evidences no serious intent to violate FECA.